S.B. CRIMINAL MISC. IInd BAIL APPLICATION NO.2765/2006
(Aziz Sheikh Vs. State)

Date of order : 6.7.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Mridul Jain, for the applicant.
Mr. L.R. Upadhyay, Public Prosecutor.

I have heard learned counsel for the applicant as well as learned Public Prosecutor for the State and carefully gone through the challan papers as also the statement of complainant – Sharda recorded under Section 161 Cr.P.C.

It is contended by the learned counsel for the applicant that first bail application was rejected by this Court vide order dated 10.5.2006. Further, it is contended that other co-accused have already been enlarged on bail. Learned counsel for the applicant also contended that as per the statement of complainant – Sharda recorded under Section 161 Cr.P.C., the case of present applicant is not distinguishable from that of other accused-persons who have been enlarged on bail. Therefore, he prays that accused applicant may be enlarged on bail.

Learned Public Prosecutor opposed the bail.

Taking into consideration the facts and circumstances of the case and without expressing any opinion, I think it just and proper to enlarge the

accused-applicant on bail.

Accordingly, the second bail application filed under Section 439 Cr.P.C. is allowed and it is directed that the applicant Aziz Sheikh S/o Basiruddin shall be released on bail (in FIR No.99/2006, P.S. Kalinjara, District Banswara) provided he executes a personal bond in the sum of Rs.20,000/- and furnishes two sound and solvent sureties in the sum of Rs.10,000/- (out of which, one surety must be furnished by one female member of family, either mother, wife or sister) each to the satisfaction of the learned trial court for his appearance before that Court on each and every date of hearing and whenever called upon to do so, till the completion of trial.

The accused-applicant will further give an undertaking before the trial court that he will not repeat any such offence or will not give any threat to complainant or will not disturb the peace of the society during the period of bail.

This order will be further subject to the condition that in case any complaint is received from the complainant during the pendency of the present case, then, it will be open to the prosecution to move application for cancellation of the bail.

(GOPAL KRISHAN VYAS), J.